

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Holby Abern on November 21, 2008 and December 1st, 2008.

The application has been amended as follows:

Enter the replacement set of claims as presented below:

Claim 1 (currently amended): A gaming device comprising:
a display device configured to display a plurality of reels and a plurality of symbols on said reels, wherein at least two of said symbols are flanking symbol—non-convertible flanking symbols, at least one of said symbols is a convertible symbol, at least one of said symbols is a flanking-convertible symbol, and at least one of said symbols is a non-convertible symbol, wherein said at least two non-convertible flanking symbols, said at least one convertible symbol, said at least one flanking-convertible symbol and said at least one non-convertible symbol are visually distinct from one another; and

a processor configured to operate with the display device, for a single play of a game, to:

- (a) cause a generation and display of at least one of said symbols on each of the reels;
- (b) change said convertible symbol to one of said flanking symbol—non-convertible flanking symbols and cause a display of said change if said convertible symbol is generated on an active payline associated with one of said reels which is directly between two flanking symbol—non-convertible flanking symbols generated on said active payline associated with two of said reels;

(c) if said flanking-convertible symbol is generated on the active payline associated with one of said reels which is directly between two flanking symbol non-convertible flanking symbols generated on said active payline associated with two of said reels, (i) designate said flanking-convertible symbol as one of said convertible symbols; and (ii) change said convertible symbol to one of said flanking symbol non-convertible flanking symbols, and cause a display of said change;

(d) if said flanking-convertible symbol is generated on the active payline associated with one of said reels which directly flanks one of the at least one convertible symbols generated on said active payline associated with one of said reels, and said convertible symbol is additionally flanked by one of said flanking symbol non-convertible flanking symbols; (i) designate said flanking-convertible symbol as one of said flanking symbol non-convertible flanking symbols; and (ii) change said designated convertible symbol to one of said flanking symbol non-convertible flanking symbols, and cause a display of said change;

(e) ~~cause a display of any of said changes to a player;~~

(f) provide ~~the~~ a player an award based on any winning combination of symbols on the reels;

(g) if said non-convertible symbol is generated on said active payline associated with one of said reels which is directly between two flanking symbol non-convertible flanking symbols generated on said active payline associated with two of said reels, do not change said non-convertible symbol to one of said flanking symbol non-convertible flanking symbols; and

(h) if said convertible symbol is generated on said active payline associated with one of said reels which is not directly between two flanking symbol non-convertible flanking symbols generated on said active payline associated with two of said reels, do not change said convertible symbol.

Claim 2 (original): The gaming device of Claim 1, wherein a plurality of said symbols are convertible.

Claim 3 (currently amended): The gaming device of Claim 2, wherein at least one of said ~~flanking symbol non-convertible flanking symbols~~ is associated with one of said convertible symbols.

Claim 4 (currently amended): The gaming device of Claim 3, wherein said processor is configured to cause said generated convertible symbol to change to said associated ~~flanking symbol non-convertible flanking symbol and cause a display of said change if at least one of the non-convertible flanking symbols which the convertible symbol is directly between is said convertible symbol is between at least one of said associated flanking symbol non-convertible flanking symbols.~~

Claim 5 (currently amended): The gaming device of Claim 2, wherein said processor is configured to change a plurality of said convertible symbols and cause a display of said changes if said convertible symbols are generated on a plurality of said reels and said convertible symbols are each between two ~~flanking symbol non-convertible flanking symbols~~.

Claim 6 (original): The gaming device of Claim 1, wherein a plurality of said symbols are non-convertible.

Claim 7 (currently amended): The gaming device of Claim 1, wherein a plurality of said symbols are ~~flanking symbol non-convertible flanking symbols~~.

Claim 8 (currently amended): A gaming device comprising:
a primary game operable upon a wager by a player;
a plurality of reels in said primary game;

a plurality of symbols on said reels, wherein said plurality of symbols include at least four symbols which ~~are each adapted to~~ function as a flanking symbol or as a convertible symbol, wherein upon a first play of the primary game, two of said symbols function as flanking symbols and one of said symbols functions as the convertible symbol, ~~and~~ upon a second play of the primary game, said convertible symbol of said first play of the primary game functions as the flanking symbol and one of said flanking symbols of said first play of the primary game functions as the convertible symbol, for each play of the primary game, any of the symbols which function as flanking symbols do not function as convertible symbols for that play of the primary game and for each play of the primary game, any of the symbols which function as flanking symbols are visually distinct from any of the symbols which function as convertible symbols; and

a processor configured for each play of the primary game to: cause a generation of at least one of said symbols on each of the reels, change each convertible symbol to one of said flanking symbols and cause a display of said change if said convertible symbol is generated on an active payline associated with one of said reels which is directly between two flanking symbols generated on said active payline associated with two of said reels, ~~display any of said changes to the player and provide the player an award based on any winning combination of symbols on the reels.~~

Claim 9 (currently amended): A gaming device comprising:

a display device configured to display a plurality of reels and a plurality of symbols on said reels, wherein at least one of said symbols is a ~~flanking symbol non-convertible flanking symbol~~, at least one of said symbols is a convertible symbol, at least one of said symbols is a non-convertible symbol, and at least two of said symbols are flanking-convertible symbols, wherein upon a first play of a game, one of said flanking-convertible symbols functions as a convertible symbol and one of said flanking-convertible symbols functions as a ~~flanking symbol non-convertible flanking symbol~~, and upon a second play of the game, said flanking-convertible symbol which functioned as the convertible symbol for said first play of the game functions as the

flanking symbol non-convertible flanking symbol for the second play of the game, and said flanking-convertible symbol which functioned as the flanking symbol non-convertible flanking symbol for said first play of the game functions as the convertible symbol for the second play of the game and for each play of the game, said flanking-convertible symbols, any non-convertible symbol, any of the symbols which function as non-convertible flanking symbols, and any of the symbols which function as convertible symbols are visually distinct from each other; and

a processor configured to operate with the display device to: cause a generation and display of at least one of said symbols on each of the reels, change each convertible symbol to one of said flanking symbol non-convertible flanking symbols and cause a display of said change if said convertible symbol is on an active payline associated with one of said reels which is directly between two flanking symbol non-convertible flanking symbols generated on said active payline associated with two of said reels, display any said change to a player, and provide the a player an award based on any winning combination of symbols on the reels, wherein if said non-convertible symbol is generated on said active payline associated with one of said reels which is directly between two flanking symbol non-convertible flanking symbols generated on said active payline associated with two of said reels, said non-convertible symbol does not change to one of said flanking symbol non-convertible flanking symbols, and if said convertible symbol is generated on said active payline associated with one of said reels which is not directly between two flanking symbol non-convertible flanking symbols generated on said active payline associated with two of said reels, said convertible symbol does not change.

Claim 10 (currently amended): The gaming device of Claim 9, wherein the processor is configured to enable the player to designate said flanking-convertible symbol as a flanking symbol non-convertible flanking symbol, a convertible symbol or both.

Claim 11 (currently amended): A gaming device comprising:

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a display device configured to display a plurality of reels and a plurality of symbols on said reels, wherein at least two of said symbols are flanking symbol non-convertible flanking symbols, at least one of said symbols is a convertible symbol, at least one of said symbols is a non-convertible symbol and -a plurality of said symbols are flanking-convertible symbols, wherein said at least two non-convertible flanking symbols, said at least one convertible symbol, said at least one non-convertible symbol and said plurality of flanking-convertible symbols are visually distinct from one another; and

a processor configured to operate with the display device, for a single play of a game, to:

- (a) cause a generation and display of one of said flanking symbol non-convertible flanking symbols on an active payline associated with a first of said reels;
- (b) cause a generation and display of one of said flanking-convertible symbols on said active payline associated with a second of said reels;
- (c) cause a generation and display of one of said flanking-convertible symbols on said active payline associated with a third of said reels;
- (d) cause a generation and display of one of said flanking symbol non-convertible flanking symbols on said active payline associated with a fourth of said reels, wherein said second reel and said third reel are directly between said first and fourth reels;
- (e) enable a player to designate each of said flanking-convertible symbols on said second reel and said third reel as either one of said flanking symbol non-convertible flanking symbols or as one of said convertible symbols;
- (f) if the player designates said flanking-convertible symbol on said second reel as one of said convertible symbols: (i) — designate said convertible symbol on said third reel as one of said flanking symbol non-convertible flanking symbols; and (ii) — change said designated flanking-convertible symbol on said second reel to one of said flanking symbol non-convertible flanking symbols, and cause a display of said change;

(g) if the player designates said flanking-convertible symbol on said third reel as a convertible symbol:(i) designate said convertible symbol on said second reel as one of said flanking symbol non-convertible flanking symbols; and (ii) change said designated flanking-convertible symbol on said third reel to one of said flanking symbol non-convertible flanking symbols, and cause a display of said change;

(h) do not change said non-convertible to one of said flanking symbol non-convertible flanking symbols if said non-convertible symbol is generated on said active payline associated with one of said reels which is directly between two of said flanking symbol non-convertible flanking symbols generated on said active payline associated with two of said reels;

(i) change said convertible symbol to one of said flanking symbol non-convertible flanking symbols and cause a display of said change if said convertible symbol is directly between two flanking symbol non-convertible flanking symbols generated on said active payline associated with two adjacent reels;

(j) do not change said convertible symbol if said convertible symbol is generated on said active payline associated with one of said reels which is not directly between two flanking symbol non-convertible flanking symbols generated on said active payline associated with two of said reels;

(k) cause a display of any of said changes to a player; and

(l) provide the player an award based on any winning combination of symbols on the reels.

Claim 12 (currently amended): The gaming device of Claim 11, wherein the processor is configured to enable the player to designate said flanking-convertible symbol as a flanking symbol non-convertible flanking symbol, a convertible symbol or both.

Claim 13 (original): The gaming device of Claim 11, wherein a plurality of said symbols are convertible.

Claim 14 (original): The gaming device of Claim 11, wherein a plurality of said symbols are non-convertible.

Claim 15 (currently amended): The gaming device of Claim 11, wherein a plurality of said symbols are ~~flanking symbol~~non-convertible flanking symbols.

Claim 16 (currently amended): A gaming device comprising:

a display device configured to display a plurality of reels and a plurality of symbols on said reels, wherein at least two of said symbols are ~~flanking symbol~~non-convertible flanking symbols, at least one of said symbols is a convertible symbol, at least one of said symbols is a flanking-convertible symbols, and at least one of said symbols is a non-convertible symbol, wherein said flanking-convertible symbol is associated with at least one of said ~~flanking symbol~~non-convertible flanking symbols and wherein said at least two non-convertible flanking symbols, said at least one convertible symbol, said at least one flanking-convertible symbol and said at least one non-convertible symbol are visually distinct from one another; and

a processor configured to operate with the display device, for a single play of a game, to:

- (a) cause a generation and display of at least one of said symbols on each of the reels;
- (b) if said flanking-convertible symbol is generated on an active payline associated with one of said reels which is directly between two of said ~~flanking symbol~~non-convertible flanking symbols generated on said active payline associated with two of said reels, and said generated flanking-convertible symbol is associated with at least one of said ~~flanking symbol~~non-convertible flanking symbols which said flanking-convertible symbol is directly between:(i) _____, designate said flanking-convertible symbol as one of said convertible symbols; and, (ii) change said designated convertible symbol to one of said

~~flanking symbol non-convertible flanking symbols, and cause a display of said change;~~

(c) if said flanking-convertible symbol is generated on the active payline associated with one of said reels which is directly between two of said ~~flanking symbol non-convertible flanking symbols~~ generated on said active payline associated with two of said reels and said generated flanking-convertible symbol is not associated with at least one of said ~~flanking symbol non-convertible flanking symbols~~ which said -flanking-convertible symbol is directly between, do not designate said -flanking-convertible symbol to one of said convertible symbols;

(d) if said -flanking-convertible symbol is generated on the active payline associated with one of said reels which directly flanks one of the at least one convertible symbols generated on said active payline associated with one of said reels, and said convertible symbol is additionally flanked by one of said ~~flanking symbol non-convertible flanking symbols~~: (i) designate said flanking-convertible symbol as one of said ~~flanking symbol non-convertible flanking symbols~~; and (ii) change said convertible symbol to one of said ~~flanking symbol non-convertible flanking symbols, and cause a display of said change;~~

(e) ~~cause a display of any of said changes to a player; and~~

(f) ~~e~~ provide ~~the~~ a player an award based on any winning combination of symbols on the reels, wherein if said non-convertible symbol is generated on said active payline associated with one of said reels which is directly between two ~~flanking symbol non-convertible flanking symbols~~ generated on said active payline associated with two of said reels, said non-convertible symbol does not change to one of said ~~flanking symbol non-convertible flanking symbols~~, and if said convertible symbol is generated on said active payline associated with one of said reels which is not directly between two ~~flanking symbol non-convertible flanking symbols~~ generated on said active payline associated with two of said reels, said convertible symbol does not change.

Claim 17 (original): The gaming device of Claim 16, wherein a plurality of said symbols are convertible.

Claim 18 (original): The gaming device of Claim 16, wherein a plurality of said symbols are non-convertible.

Claim 19 (currently amended): The gaming device of Claim 16, wherein a plurality of said symbols are ~~flanking symbol~~non-convertible flanking symbols.

Claim 20 (currently amended): A gaming device comprising:
a display device configured to display a plurality of reels and a plurality of symbols on said reels, wherein at least two of said symbols are ~~flanking symbol~~non-convertible flanking symbols, a plurality of said symbols are convertible symbols, at least one of said symbols is a flanking-convertible symbol, and at least one of said symbols is a non-convertible symbol and wherein said at least two non-convertible flanking symbols, said plurality of convertible symbols, said at least one flanking-convertible symbol and said at least one non-convertible symbol are visually distinct from one another; and

a processor configured to operate with the display device, for a single play of a game, to:

- (a) cause a generation and display of one of said ~~flanking symbol~~non-convertible flanking symbols on an active payline associated with a first of said reels;
- (b) cause a generation and display of one of said flanking-convertible symbols on said active payline associated with a second of said reels;
- (c) cause a generation and display of one of said flanking-convertible symbols on said active payline associated with a third of said reels;
- (d) cause a generation and display of one of said ~~flanking symbol~~non-convertible flanking symbols on said active payline associated with a fourth of said reels, wherein said second reel and said third reel are directly between said first and fourth reels;

(e) designate said flanking-convertible symbol on said third reel as one of said flanking symbol non-convertible flanking symbols if said flanking-convertible symbol on said second reel is designated as one of said convertible symbols;

(f) designate said flanking-convertible symbol on said second reel as one of said flanking symbol non-convertible flanking symbols if said flanking-convertible symbol on said third reel is designated as one of said convertible symbols;

(g) change said any designated convertible symbol to one of said flanking symbol non-convertible flanking symbols and cause a display of said change if said convertible symbol is directly between two flanking symbol non-convertible flanking symbols generated on said active payline associated with two adjacent reels;

(h) ~~cause a display of any of said changes to a player; and~~

(i) ~~provide the~~ a player an award based on any winning combination of symbols on the reels, wherein if said non-convertible symbol is generated on said active payline associated with one of said reels which is directly between two flanking symbol non-convertible flanking symbols generated on said active payline associated with two of said reels, said non-convertible symbol does not change to one of said flanking symbol non-convertible flanking symbols, and if said convertible symbol is generated on said active payline associated with one of said reels which is not directly between two flanking symbol non-convertible flanking symbols generated on said active payline associated with two of said reels, said convertible symbol does not change.

Claim 21 (original): The gaming device of Claim 20, wherein a plurality of said symbols are non-convertible.

Claim 22 (currently amended): The gaming device of Claim 20, wherein a plurality of said symbols are flanking symbol non-convertible flanking symbols.

Claim 23 (original): The gaming device of Claim 20, wherein said convertible symbols on said second reel and said third reel are different symbols.

Claims 24 and 25 (cancelled).

Claim 26 (currently amended): A gaming device comprising:

a display device configured to display a plurality of reels and a plurality of symbols on said reels, wherein at least two of said symbols are flanking symbol non-convertible flanking symbols, at least one of said symbols is a convertible symbol, at least one of said symbols is a flanking-convertible symbol, and at least one of said symbols is a non-convertible symbol and wherein said at least two non-convertible flanking symbols, said at least one convertible symbol, said at least one flanking-convertible symbol and said at least one non-convertible symbol are visually distinct from one another; and

a processor configured to operate with the display device, for a single play of a game, to:

(a) cause a generation and display of at least one of said symbols on each of the reels wherein the number of generated flanking symbol non-convertible flanking symbols is based on the wager by a player;

(b) if said flanking-convertible symbol is generated on an active payline associated with one of said reels which is directly between two of said flanking symbol non-convertible flanking symbols generated on said active payline associated with two of said reels: (i) — designate said flanking-convertible symbol as one of said convertible symbols; and, (ii) — change said designated convertible symbol to one of said flanking symbol non-convertible flanking symbols, and cause a display of said change;

(c) if said flanking-convertible symbol is generated on the active payline associated with one of said reels which directly flanks one of the at least one convertible symbols generated on said active payline associated with one of said reels, and said convertible symbol is additionally flanked by one of said flanking symbol non-convertible flanking symbols: (i) — designate said flanking-convertible symbol as one of said flanking symbol non-convertible flanking symbols; and, (ii) — change said

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convertible symbol to one of said ~~flanking symbol~~non-convertible flanking symbols, and cause a display of said change;

(d) ~~cause a display of any of said changes to the player; and provide the player an award based on any winning combination of symbols on the reels, wherein if said non-convertible symbol is generated on said active payline associated with one of said reels which is directly between two ~~flanking symbol~~non-convertible flanking symbols generated on said active payline associated with two of said reels, said non-convertible symbol does not change to one of said ~~flanking symbol~~non-convertible flanking symbols, and if said convertible symbol is generated on said active payline associated with one of said reels which is not directly between two ~~flanking symbol~~non-convertible flanking symbols generated on said active payline associated with two of said reels, said convertible symbol does not change.~~

Claims 27 to 36 (cancelled).

Claim 37 (previously presented): A method of operating a gaming device, for a single play of a game, said method comprising the steps of:

(a) generating and displaying a flanking symbol on an active payline associated with a first reel, a flanking-convertible symbol on the active payline associated with a second reel, a flanking-convertible symbol on the active payline associated with a third reel, a flanking-convertible symbol on the active payline associated with a fourth reel, a flanking symbol on the active payline associated with a fifth reel, wherein said flanking symbols and said flanking-convertible symbols are visually distinct from each other;

(b) designating the flanking-convertible symbols on the second and fourth reel as flanking symbols and said flanking-convertible symbol on the third reel as a convertible symbol;

(c) changing said designated convertible symbol on the third reel to one of said flanking symbols and causing a display of said change if said flanking-

convertible symbols on the second and fourth reel are designated as flanking symbols and said flanking-convertible symbol on the third reel is designated as a convertible symbol;

- ~~(d) displaying any said change to a player;~~
- ~~(ed) providing the a player any award based on any winning combination of said displayed symbols on the active payline associated with the reels;~~
- ~~(ef) designating the flanking-convertible symbols on the second, third and fourth reels as convertible symbols;~~
- ~~(gf) changing said designated convertible symbols on the second, third and fourth reels to one of said flanking symbols, and causing a display of said change;~~
- ~~(h) displaying any said change to the player; and~~
- ~~(ig) providing the player any award based on any winning combination of said displayed symbols on the active payline associated with the reels.~~

Claim 38 (currently amended): The method of Claim 37, wherein the player is enabled to designate said flanking-convertible symbols on the second and fourth reel as flanking symbols and said flanking-convertible symbol on the third reel as a convertible symbol.

Claim 39 (currently amended): The method of Claim 37, wherein the player is enabled to designate the flanking-convertible symbols on the second, third and fourth reels as convertible symbols.

Claim 40 (currently amended): The method of Claim 37, wherein the player is enabled to designate said flanking-convertible symbols on the second and fourth reel as flanking symbols and said flanking-convertible symbol on the third reel as a convertible symbol and subsequently to designate the flanking-convertible symbols on the second, third and fourth reels as convertible symbols.

Claim 41 (original): The method of Claim 37, which is provided to the player through a data network.

Claim 42 (original): The method of Claim 41, wherein the data network is an internet.

Claims 43 to 45 (cancelled).

Claim 46 (currently amended): A method of operating a gaming device, said method comprising the steps of:

(a) generating a plurality of symbols on an active payline associated with a plurality of reels for one game play, wherein said plurality of symbols include at least four symbols which are each adapted to function as a flanking symbol or as a convertible symbol, wherein two of said symbols function as flanking symbols and one of said symbols functions as said convertible symbol, wherein any of the symbols which function as flanking symbols are visually distinct from any of the symbols which function as convertible symbols;

(b) changing said convertible symbol to one of said flanking symbols and causing a display of said change if said generated convertible symbol is directly between two generated flanking symbols;

(c) ~~displaying any said change to a player;~~

(dc) providing ~~the~~ a player an award based on any winning combination of symbols on the reels; and

(ed) repeating steps (a) to (dc) for a plurality of game plays, wherein for at least one subsequent game play, any convertible symbol of said previous game play which was not directly between two generated flanking symbols ~~is adapted to~~ functions as said flanking symbol and one of said flanking symbols of said previous game play ~~is adapted to~~ functions as said convertible symbol and for each game play, any of the symbols which function as flanking symbols do not function as convertible symbols for that game play.

Claim 47 (original): The method of Claim 46, which is provided to the player through a data network.

Claim 48 (original): The method of Claim 47, wherein the data network is an internet.

[End of Amendment]

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The prior art of record when considered alone or in combination does not teach or fairly suggest a flanking/convertible symbol that acts as a convertible symbol or a flanking symbol dependent on the symbol's placement on a reel payline between two flanking symbols and additionally between a flanking symbol and a convertible symbol wherein the resultant symbol further causes the transformation additional symbols resultant of the transformation when combined with the remainder of the claim elements.

Additionally with respect to at least claims 8 and 46 through 48 the prior art of record when considered alone or in combination does not teach or fairly suggest the transformation of convertible symbols to flanking symbols for a subsequent game and vice versa the transformation of flanking symbols into convertible symbols for a

subsequent game based on the original symbol type in a primary game in addition to the conversion of convertible symbols into flanking symbols when the convertible symbol is originally flanked by flanking symbols when combined with the remainder of the claim elements.

Claim Interpretation

Claim conditional statements such as clauses (b), (c) and (d) of claim 1 are understood to be cumulatively limiting to the pending claims and not fairly anticipated or rendered obvious by a reference or combination of references that would either ignore the conditional statements in their entirety or only describe the claimed features of a singular conditional statement (in the circumstance when a plurality of conditional statements are presented). Any claim interpretation reliant on the complete or selective dismissal of the conditional statements and functionality based thereupon would improperly eviscerate the claimed invention by (1) removing the claimed inventions ability to both evaluate the recited condition(s) set forth and (2) similarly removing the claimed inventions to perform the functionality associated respectively therewith as explicitly recited in these conditional statements.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT MOSSER whose telephone number is (571)272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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